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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,558	03/11/2004	Louis D. Ardo	ARDO 2 00002	7769

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EXAMINER
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GUTMAN, HILARY L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,558

Applicant(s)

ARDO, LOUIS D.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 11-12 are objected to because of the following informalities:

In claim 1, line 5, "the the" should be "the". Also on line 5, "mandels" should be "mandrels".

In claim 11, line 4, "ajoining" should be "adjoining".

In claim 12, line 3, "ajoining" should be "adjoining".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 10-15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Szucs et al.

Szucs et al. (4,954,030) disclose a load securing device with which a flexible tie down is engaged to secure a load to an object, the load securing device comprising: a first mandrel 19, 38 that is substantially rigid, a second mandrel 19, 38 that is substantially rigid, and, a linkage 4 joining the first and second mandrels to one another.

With regard to claim 2, the first mandrel is arranged to engage with the tie down at a first position on the tie down such that the tie down wraps at least partially around the first mandrel,

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and, the second mandrel is arranged to engage with the tie down at a second position on the tie down such that the tie down wraps at least partially around the second mandrel.

With regard to claim 3, the first position and the second position are separated by a length of the tie down that wraps at least partially around the load.

With regard to claim 4, wherein: the first mandrel comprise: a first cylindrical member having opposing first and second ends; and, the second mandrel comprises a second cylindrical member having opposing first and second ends.

With regard to claim 10, the linkage permits movement of the first and second mandrels relative to one another.

With regard to claim 11, a first mandrel 38 comprises: a pair of mated portions 38, 39 including a first portion 38 and a second portion 39 that can be selectively positioned adjoining one another and separated from one another (e.g., the portion 38 is unscrewed from portion 39).

With regard to claim 12, the first mandrel is arranged to engage with the tie down when the first and second portions are positioned adjoining one another such that the tie down wraps at least partially around the first mandrel and holds the first and second portions together.

With regard to claim 13, the linkage connects with the first mandrel such that the first mandrel is selectively secured thereto and removable therefrom.

With regard to claim 14, the first mandrel includes an outer surface arranged to engage with the tie down such that the tie down wraps at least partially around the surface.

With regard to claim 15, said outer surface has a trough formed therein.

For claim 17, Szucs et al. (4,954,030) inherently disclose a method of securing a load to an object, said method comprising: (a) securing a first end of a line to the object; (b) wrapping

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the line at least partially around a first substantially rigid mandrel at a first location on the line; (c) wrapping a length of the line extending between the first location and a second location on the line at least partially around the load; (d) wrapping the line at least partially around a second substantially rigid mandrel at the second location on the line, said second mandrel being connected to said first mandrel by a linkage; (e) securing a second end of the line to the object, and, (f) removing any slack from the line.

With regard to claim 18, step (b) comprises: threading the second end of the line around the first mandrel prior to step (e) such that the line is at least partially wrapped around the first mandrel at the first location.

With regard to claim 19, step (d) comprises: threading the second end of the line around the second mandrel prior to step (e) such that the line is at least partially wrapped around the second mandrel at the second location.

With regard to claim 20, step (b) comprises: forming a first loop in the line at the first location, and, arranging the first mandrel inside the first loop.

With regard to claim 21, step (d) comprises: forming a second loop in the line at the second location, and, arranging the second mandrel inside the second loop.

With regard to claim 22, step (e) is performed prior to steps (b) and (d).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szucs et al. as applied to claim 4 above and in view of Throndyke.

Szucs et al. lack a sleeve arranged around the first cylindrical member such that the sleeve can rotate with respect thereto.

Thorndyke (4,960,353) teaches a mandrel having a first cylindrical member 64 and a sleeve 72 therearound (Figure 4) which can rotate with respect thereto.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a sleeve as taught by Thorndyke upon the first cylindrical member of Szucs et al. in order to allow the sleeve to rotate while the tie down is moved thereover.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szucs et al. as applied to claim 1 above and in view of Throndyke.

Szucs et al. disclose the first mandrel having opposing first and second ends that are engaged by the linkage.

Szucs et al. lack the first mandrel being rotated about an axis passing through the first and second ends of the first mandrel.

Thorndyke (4,960,353) teaches a mandrel 64,72 and first and second ends. The mandrel is rotatable about an axis passing through the first and second ends of the mandrel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first mandrel of Szucs et al. to be rotatable about its axis as taught by Throndyke in order to allow the tie down to easily move thereover when tightened.

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Szucs et al., as modified, lack a ratcheting means to tighten the tie down.

Thorndyke teaches the mandrel further comprises: ratcheting means that selectively limit a direction in which the mandrel can be rotated about the axis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ratcheting means as taught by Thorndyke for the first mandrel of Szucs et al. in order to allow the tie down to be easily tightened.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szucs et al. as applied to claim 15 above and in view of Taylor.

Szucs et al. lack the width of the trough varying along its length.

Taylor (3,860,263) teaches a mandrel 12 having a trough (Figure 3) which varies along its length.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the trough of Szucs et al. varying along its length as taught by Taylor in order to allow the tie down to be better held thereon.

#### *Allowable Subject Matter*

8. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hilary Gutman  
April 14, 2005